

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: CS/SB 2230

SPONSOR: Health Care Committee and Senator Atwater

SUBJECT: Dentistry

DATE: April 27, 2005

REVISED: 5/03/05 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HE</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill exempts certain dental instructors from the requirements of the dental practice act. The bill limits the number of years that a member of the Board of Dentistry may serve on the board to a total of 10 years.

The bill revises the manner of appointment of members to the Council on Dental Hygiene (council) to require that the three dental hygienist members who are actively engaged in the practice of dental hygiene in Florida be recommended by the Florida Dental Hygienists Association. The bill requires the council to meet at least three times each calendar year.

The Board of Dentistry must consider rule and policy recommendations of the council at its next regularly scheduled meeting in the same manner as it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to dental hygiene must be referred to the council for a recommendation before final action by the board. The Board of Dentistry may take final action on rules pertaining to dental hygiene without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.

This bill amends sections 466.002 and 466.004, Florida Statutes.

II. Present Situation:

The Board of Dentistry, established under chapter 466, F.S., has regulatory jurisdiction over the practice of dentistry. The chapter specifies requirements and conditions for appointment to the board. Members must be appointed for 4-year terms. The Board of Dentistry is authorized to

adopt rules to implement the provisions of the dental practice act and ch. 456, F.S., relating to the general regulatory provisions for health care professions.

The chapter requires the chair of the board to appoint a Council on Dental Hygiene. The council must include one dental hygienist member of the board who must chair the council, one dental member of the board and three dental hygienists who are actively engaged in the practice of dental hygiene in Florida.¹ The council must meet at the request of the chair of the Board of Dentistry, a majority of the members of the board, or the council chair. The council develops rules and policies for recommendation to the board, which the board must consider, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education.

Subsection 466.002(6), F.S., provides that nothing in ch. 466, F.S., the dental practice act, applies to following practices, acts, and operations of instructors in Florida schools of dentistry, dental hygiene or dental assistant education programs, while performing regularly assigned duties under the curriculum of such schools. A full-time dental instructor at a dental school approved by the Board of Dentistry may be allowed to practice dentistry at the teaching facilities of such school, upon receiving a teaching permit issued by the board, in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school. Pursuant to s. 466.002(6), F.S., and Rule 64B5-7.005, Florida Administrative Code, the Florida Board of Dentistry may issue teaching permits to a full-time dental instructor at a dental school approved by the board to practice dentistry at the teaching facilities of the school. Upon receiving the teaching permit issued by the board, the holder must practice dentistry in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school.

Rule 64B5-7.005, F.A.C., provides that a teaching permit may be issued by the Board of Dentistry to a faculty member of a dental school *accredited* by the Commission on Dental Accreditation of the American Dental Association or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member: has not failed the Florida dental licensure examination; is a full-time faculty member; and does not engage in the practice of dentistry except under the programs of the dental or medical school described in subsection 64B5-7.005(1), F.A.C. The rule also sets forth the conditions under which the permit authorizes the holder to practice dentistry.

III. Effect of Proposed Changes:

Section 1. Amends s. 466.002(6), F.S., to revise an exemption in the dental practice act for the practices, acts, and operations of instructors in Florida schools of dentistry, dental hygiene or dental assistant educational programs, while performing regularly assigned duties under the curriculum of such schools. As amended, the dental practice act does not apply to practices, acts, and operations of instructors in dental programs that prepare persons holding D.M.D. or D.D.S.

¹ See s. 466.004(2)(a), F.S.

degrees for specialty board certification wherein such programs have U.S. accreditation by January 1, 2005, in the same manner as the Board of Dentistry recognizes accreditation for Florida schools of dentistry but that are not otherwise affiliated with a Florida school of dentistry. The exemption to such instructors in Florida schools of dentistry, accredited dental specialty programs, dental hygiene or dental educational programs are conditioned on the instructor performing regularly assigned *instructional* duties under the curriculum of such schools. A full-time dental instructor at a dental school or dental program approved by the Board of Dentistry may be allowed to practice dentistry at the teaching facilities of such school or program, upon receiving a teaching permit issued by the Board of Dentistry. The practice of dentistry by these instructors must be performed in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school or program as recognized in this subsection.

Section 2. Amends s. 466.004, F.S., to limit the number of years that a member of the Board of Dentistry may serve on the board to a total of ten years. The bill revises the manner of appointment of members to the Council on Dental Hygiene to require the chair of the Board of Dentistry in making appointments to the council to consider recommendations from the Florida Dental Hygienists Association. The section requires the Council on Dental Hygiene to meet at least three times each calendar year.

The Board of Dentistry must consider rule and policy recommendations of the council at its next regularly scheduled meeting in the same manner as it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry defined by paragraph (a) of subsection (2) of s. 466.004, F.S., in the bill (dental hygiene) must be referred to the council for a recommendation before final action by the board. The Board of Dentistry may take final action on rules pertaining to dental hygiene without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.

Section 3. Provides an effective date of July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
